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14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

17 JAYNE G. SAMET,
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19 Plaintiff,
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21 vs.

21 BAYVIEW LOAN SERVICING, LLC;
22 EQUIFAX INFORMATION SERVICES, LLC;
23 and EXPERIAN INFORMATION SOLUTIONS,
24 INC,

24 Defendants.

Case No.: 2:18-cv-00906-GMN-NJK

~~PROPOSED~~ **STIPULATED PROTECTIVE
ORDER**

25 IT IS HEREBY STIPULATED by and between Plaintiff JAYNE G. SAMET ("Plaintiff")
26 Defendants BAYVIEW LOAN SERVICING, LLC ("Bayview"); EQUIFAX INFORMATION
27 SERVICES, LLC ("Equifax"); and EXPERIAN INFORMATION SOLUTIONS, INC. (collectively,
28 the "Parties"), by and through their counsel of record, as follows:

1 WHEREAS, documents and information have been and may be sought, produced or exhibited
2 by and among the parties to this action relating to trade secrets, confidential research, development,
3 technology or other proprietary information belonging to the defendants and/or personal income,
4 credit and other confidential information of Plaintiff.

5 THEREFORE, an Order of this Court protecting such confidential information shall be and
6 hereby is made by this Court on the following terms:

7 1. This Order shall govern the use, handling and disclosure of all documents, testimony
8 or information produced or given in this action which are designated to be subject to this Order in
9 accordance with the terms hereof.

10 2. Any party or non-party producing or filing documents or other materials in this action
11 may designate such materials and the information contained therein subject to this Order by typing or
12 stamping on the front of the document, or on the portion(s) of the document for which confidential
13 treatment is designated, "Confidential."

14 3. ~~To the extent any motions, briefs, pleadings, deposition transcripts, or other papers to~~
15 ~~be filed with the Court incorporate documents or information subject to this Order, the party filing~~

See order issued
concurrently herewith ~~, shall designate such materials, or portions thereof, as "Confidential," and shall file them~~
~~erk under seal; provided, however, that a copy of such filing having the confidential~~
18 ~~information deleted therefrom may be made part of the public record. Any party filing any document~~
19 ~~under seal must comply with the requirements of Local Rules.~~

20 4. All documents, transcripts, or other materials subject to this Order, and all information
21 derived therefrom (including, but not limited to, all testimony, deposition, or otherwise, that refers,
22 reflects or otherwise discusses any information designated Confidential hereunder), shall not be used,
23 directly or indirectly, by any person, including Plaintiff, Experian and Bayview, for commercial or
24 competitive purposes or for any purpose whatsoever other than solely for the preparation and trial of
25 this action in accordance with the provisions of this Order.

26 5. All depositions or portions of depositions taken in this action that contain
27 confidential information may be designated as "Confidential" and thereby obtain the protections
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1 accorded other confidential information. The parties shall have twenty-one (21) days from the date a
2 deposition is taken, or fourteen (14) days from the date a deposition transcript is received, whichever
3 date is greater, to serve a notice to all parties designating portions as "Confidential." Until such time,
4 all deposition testimony shall be treated as confidential information. To the extent any designations
5 are made on the record during the deposition, the designating party need not serve a notice re-
6 designating those portions of the transcript as confidential information. Any party may challenge any
7 such designation in accordance with Paragraph 14 of this Order.

8 6. Except with the prior written consent of the individual or entity designating a document
9 or portions of a document as "Confidential," or pursuant to prior Order after notice, any document,
10 transcript or pleading given "Confidential" treatment under this Order, and any information contained
11 in, or derived from any such materials (including but not limited to, all deposition testimony that
12 refers, reflects or otherwise discusses any information designated confidential hereunder) may not be
13 disclosed other than in accordance with this Order and may not be disclosed to any person other than:
14 (a) the Court and its officers; (b) parties to this litigation; (c) counsel for the parties, whether retained
15 counsel or in-house counsel and employees of counsel assigned to assist such counsel in the
16 preparation of this litigation; (d) fact witnesses subject to a proffer to the Court or a stipulation of the
17 parties that such witnesses need to know such information; (e) present or former employees of the
18 producing party in connection with their depositions in this action (provided that no former employees
19 shall be shown documents prepared after the date of his or her departure); and (f) experts specifically
20 retained as consultants or expert witnesses in connection with this litigation.

21 7. Documents produced pursuant to this Order shall not be made available to any
22 person designated in Subparagraph 6 (f) unless he or she shall have first read this Order, agreed to be
23 bound by its terms, and signed the attached Declaration of Compliance.

24 8. Third parties who are the subject of discovery requests, subpoenas or depositions in
25 this case may take advantage of the provisions of this Protective Order by providing the parties with
26 written notice that they intend to comply with and be bound by the terms of this Protective Order.

27 9. All persons receiving any or all documents produced pursuant to this Order shall be
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1 advised of their confidential nature. All persons to whom confidential information and/or documents
2 are disclosed are hereby enjoined from disclosing same to any person except as provided herein and
3 are further enjoined from using same except in the preparation for and trial of the above-captioned
4 action between the named parties thereto. No person receiving or reviewing such confidential
5 documents, information or transcript shall disseminate or disclose them to any person other than those
6 described above in Paragraph 6 and for the purposes specified, and in no event, shall such person
7 make any other use of such document or transcript.

8 10. Nothing in this Order shall prevent a party from using at trial any information or
9 materials designated "Confidential."

10 11. This Order has been agreed to by the parties to facilitate discovery and the production
11 of relevant evidence in this action. Neither the entry of this Order, nor the designation of any
12 information, document, or the like as "Confidential," nor the failure to make such designation, shall
13 constitute evidence with respect to any issue in this action.

14 12. Inadvertent failure to designate any document, transcript, or other materials
15 "Confidential" will not constitute a waiver of an otherwise valid claim of confidentiality pursuant to
16 this Order, so long as a claim of confidentiality is promptly asserted after discovery of the inadvertent
17 failure. If a party designates a document as "Confidential" after it was initially produced, the receiving
18 party, on notification of the designation, must make a reasonable effort to assure that the document is
19 treated in accordance with the provisions of this Order, and upon request from the producing party
20 certify that the designated documents have been maintained as confidential information. **The**
21 **designating party shall have the burden of proving that any document designated as**
22 **CONFIDENTIAL is entitled to such protection.**

23 13. Within sixty (60) days after the final termination of this litigation, all documents,
24 transcripts, or other materials afforded confidential treatment pursuant to this Order, including any
25 extracts, summaries or compilations taken therefrom, but excluding any materials which in the good
26 faith judgment of counsel are work product materials, shall be returned to the Producing Party. In lieu
27 of return, the parties may agree to destroy the documents, to the extent practicable.

1 14. If any party objects to any designation of any materials as “Confidential,” the parties
2 shall attempt in good faith to resolve such objection by agreement. If the parties cannot resolve their
3 objections by agreement, the party objecting to the designation may seek the assistance of the
4 Court. A party shall have thirty (30) days from the time a “Confidential” designation is made to
5 challenge the propriety of the designation. Until an objection has been resolved by agreement of
6 counsel or by order of the Court, the materials shall be treated as Confidential and subject to this
7 Order.

8 15. Nothing herein shall affect or restrict the rights of any party with respect to its own
9 documents or to the information obtained or developed independently of documents, transcripts and
10 materials afforded confidential treatment pursuant to this Order.

11 16. The Court retains the right to allow disclosure of any subject covered by this
12 stipulation or to modify this stipulation at any time in the interest of justice.

13 ~~17. If the sole ground for a motion to seal is that the opposing party (or non party) has~~
14 ~~designated a document as subject to protection pursuant to the stipulated protective order, the movant~~
15 ~~must notify the opposing party (or non party) at least five judicial days prior to filing the designated~~
16 ~~document. The designating party must then make a good faith determination if the relevant standard~~

See order issued
concurrently herewith

~~net. To the extent the designating party does not believe the relevant standard for sealing~~
~~shall indicate that the document may be filed publicly no later than four judicial days~~
~~after receiving notice of the intended filing. To the extent the designating party believes the relevant~~
20 ~~standard for sealing can be met, it shall provide a declaration supporting that assertion no later than~~
21 ~~four judicial days after receiving notice of the intended filing. The filing party shall then attach that~~
22 ~~declaration to its motion to seal the designated material. If the designating party fails to provide such~~
23 ~~a declaration in support of the motion to seal, the filing party shall file a motion to seal so indicating~~
24 ~~and the Court may order the document filed in the public record. In the event of an emergency motion,~~
25 ~~these procedures shall not apply.~~

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IT IS SO STIPULATED.

Dated July 25, 2018

<u>/s/ Miles N. Clark</u> Matthew I. Knepper, Esq. Nevada Bar No. 12796 Miles N. Clark, Esq. Nevada Bar No. 13848 KNEPPER & CLARK LLC 10040 W. Cheyenne Ave., Suite 170-109 Las Vegas, NV 89129 Email: matthew.knepper@knepperclark.com Email: miles.clark@knepperclark.com David H. Krieger, Esq. Nevada Bar No. 9086 8985 S. Eastern Avenue, Suite 350 Henderson, Nevada 89123 Email: dkrieger@hainesandkrieger.com <i>Attorneys for Plaintiff</i>	<u>/s/ Andrew J. Sharples</u> Jennifer L. Braster, Esq. Nevada Bar No. 9982 Andrew J. Sharples, Esq. Nevada Bar No. 12866 NAYLOR & BRASTER 1050 Indigo Drive, Suite 200 Las Vegas, NV 89145 Email: jbraster@nblawnv.com Email: asharples@nblawnv.com Katherine A. Nebin, Esq. Nevada Bar No. 14590 JONES DAY 3161 Michelson Drive, Suite 800 Irvine, CA 92612 Email: kneben@jonesday.com <i>Attorneys for Defendant</i> <i>Experian Information Solutions, Inc.,</i>
<u>/s/ Bradley T. Austin</u> Bradley T. Austin, Esq. Nevada Bar No. 13064 SNELL & WILMER LLP 3883 Howard Hughes Pkwy., Suite 1100 Las Vegas, NV 89169 Email: baustin@swlaw.com <i>Attorneys for Defendant</i> <i>Equifax Information Services, LLC</i>	<u>/s/ Natalie L. Winslow</u> Darren T. Brenner, Esq. Nevada Bar No. 8386 Natalie L. Winslow, Esq. Nevada Bar No. 12125 AKERMAN LLP 1635 Village Center Circle, Suite 200 Las Vegas, NV 89134 Email: darren.brenner@akerman.com Email: natalie.winslow@akerman.com <i>Attorneys for Defendant</i> <i>Bayview Loan Servicing, LLC</i>

ORDER GRANTING
STIPULATED PROTECTIVE ORDER

IT IS SO ORDERED.

Dated: July 26, 2018, _____



UNITED STATES MAGISTRATE JUDGE

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EXHIBIT A
DECLARATION OF COMPLIANCE

(Samet v. Bayview Loan Servicing, LLC et al; 2:18-cv-00906-GMN-NJK)

I, _____, declare as follows:

- 1. My address is _____.
- 2. My present employer is _____.
- 3. My present occupation or job description is _____.

4 I have received a copy of the Stipulated Protective Order entered in this action on _____, 20__.

5 I have carefully read and understand the provisions of this Stipulated Protective Order.

6 I will comply with all provisions of this Stipulated Protective Order.

7 I will hold in confidence and will not disclose to anyone not qualified under the Stipulated Protective Order, any information, documents or other materials produced subject to this Stipulated Protective Order.

8 I will use such information, documents or other materials produced subject to this Stipulated Protective Order only for purposes of this present action.

9 Upon termination of this action, or upon request, I will return and deliver all information, documents or other materials produced subject to this Stipulated Protective Order, and all documents or things which I have prepared relating to the information, documents or other materials that are subject to the Stipulated Protective Order, to my counsel in this action, or to counsel for the party by whom I am employed or retained or from whom I received the documents.

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10. I hereby submit to the jurisdiction of this Court for the purposes of enforcing the Stipulated Protective Order in this action. I declare under penalty of perjury under the laws of the United States that the following is true and correct.

Executed this ____ day of _____, 2018 at _____.

QUALIFIED PERSON